United Nations E/C.19/2008/5/Add.7

Economic and Social Council

Distr.: General
13 February 2008
English
Original: Spanish

Permanent Forum on Indigenous Issues
Seventh session
New York, 21 April to 2 May 2008
Items 3, 4, 5, 7, 8 and 9 of the provisional agenda*

Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Half-day discussion on indigenous languages

Ongoing priorities and themes and follow-up

Future work of the Permanent Forum, including emerging issues

Information received from Governments

Bolivarian Republic of Venezuela**

Summary

The Bolivarian Republic of Venezuela, out of a sense of social responsibility, has undertaken its commitments to indigenous communities and peoples with a view to restoring and rectifying the delayed exercise of their rights. Nowadays the Constitution of the Bolivarian Republic of Venezuela enshrines a wide range of rights for indigenous peoples and communities concerning their social, political and economic organization, their cultures, habits and customs, languages and religions, as well as their habitat and as the original inhabitants, the demarcation and respect for ownership of their lands.

* E/C.19/2008/1.

** The submission of the present document was delayed in order to include the most recent information.

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The Venezuelan State has thus been conscious of indigenous peoples as a subject of law who should participate in the development of public policies affecting them, in harmony with their livelihood and habitat, since it should be the indigenous peoples themselves who establish their own priorities and determine strategies for their development. Therefore, the Venezuelan Government considers it extremely important to empower indigenous peoples and provide them with the ability to design, plan, develop and implement their own policies and to participate in decision-making with the executive power, through the formation of a national institution with competence in the area which is led by indigenous representatives, that is, the Ministry of the People's Power for Indigenous Peoples, established approximately a year ago.

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I. Response to the recommendations by Governments under one or more articles of the mandate and/or agenda of the Forum at its sixth and prior sessions[1]

1. With regard to paragraph 21 of the report of the United Nations Permanent Forum on Indigenous Issues on its sixth session concerning recommendations to States parties to International Labour Organization (ILO) Convention No. 169 on indigenous and tribal peoples in independent countries, regarding the application of the principle of free, prior and informed consent of indigenous peoples to the use and exploitation of the natural resources in their lands and territories, we wish to state the following.

2. The right of indigenous peoples to utilize the natural resources found in their habitat is derived from the recognition of their rights as the original occupants of their ancestral and traditional lands and habitat, which are necessary to develop and safeguard their way of life, along with the recognition of their forms of social, political and economic organization. This right is contained in article 119 of the Constitution of the Bolivarian Republic of Venezuela.

3. The recognition of the rights to their habitat includes the possibility of control and decision-making by the indigenous communities regarding the activities taking place in or which may affect those areas; the possibility of involvement in the government established there; the right to collective title to land; the enjoyment of natural resources and the protection of areas sacred to indigenous peoples.

4. This right of control and decision of indigenous communities and peoples over the activities taking place in their habitat and territory is expressly established in article 120 of the Constitution of the Republic, which imposes on the State the obligation of informing and consulting with the indigenous communities prior to any proposed utilization of natural resources in their habitat.

5. The Basic Law on Indigenous Peoples and Communities devotes its chapter II to the right to prior informed consent. It establishes a series of guidelines for its due application, guaranteeing to indigenous peoples and communities respect for their institutions and authorities throughout the consultation process. The chapter's most important contribution is to make prior and informed consent binding, establishing it as an essential requirement for conducting any activity that might have a direct or indirect impact on indigenous communities or peoples.

6. Concerning the right of indigenous peoples and communities to collective land title, paragraphs 22 and 23 of the report of the Permanent Forum on Indigenous Issues on its sixth session make a set of recommendations to States, for instance, implementation of effective measures to put an end to land alienation in indigenous territories; provision of necessary financial and technical assistance for mapping the boundaries of their communal lands, and the adoption of the necessary legal and normative framework for the registration of collective titles for the lands they traditionally occupy.

7. Article 119 of the Constitution of the Bolivarian Republic of Venezuela recognizes the existence of indigenous peoples and communities, their social, political and economic organization, their cultures, habits and customs, languages

[1] *Official document of the Economic and Social Council, 2007, Supplement No. 43* (E/2007/43).

and religions, as well as their habitat and rights as the original occupants of their ancestral and traditional lands, and that those lands are necessary to develop and safeguard their way of life.

8. The Basic Law on Indigenous Peoples and Communities, in its article 23, recognizes and guarantees the rights of indigenous peoples and communities, as the original inhabitants, to their habitat and to collective title to the ancestral lands they have occupied, and imposes on the executive power, jointly with the indigenous peoples and communities, the obligation of marking the boundaries of their habitat and lands for the purpose of granting title, in accordance with the principles and procedures established in chapter III of the aforementioned law.

9. Beginning in 2002, the executive power, through the National Boundary Commission for the Habitat and Lands of Indigenous Peoples and Communities, in conformity with its internal operating regulations, launched a major process of marking the boundaries of habitats and territories at the national level in an organized and dynamic way, through the establishment of the respective Regional Commissions in states with an indigenous presence.

10. In the area of health, in paragraphs 60 to 68 of the report, the Forum expressed its concern at the realization of the right to health of indigenous peoples and need for States to implement plans, projects and other initiatives aimed at addressing the problems of indigenous peoples in the area of health in order to establish systems of indicators that could help to monitor their progress.

11. The Constitution of the Bolivarian Republic of Venezuela establishes in its article 83 that health is a basic social right, that the State has the obligation to guarantee it as part of the right to life, and must therefore promote and develop policies aimed at improving quality of life, collective well-being and access to services.

12. Under the Constitution, everyone has the right to protect their health, as well as the duty to participate actively in its promotion and protection, and to comply with health and sanitation measures established by law, in accordance with international treaties and conventions signed and ratified by the Republic.

13. The right to health and social security for indigenous peoples is recognized in article 122 of the Constitution, which establishes the right of indigenous peoples to comprehensive health care that takes their practices and cultures into consideration, along with the recognition of their traditional medicine and alternative therapies, subject to the principles of bioethics.

14. Likewise, the Basic Law on Indigenous Peoples and Communities includes a number of provisions intended to guarantee the right of indigenous peoples to use their traditional medicine and therapeutic practices, incorporating indigenous traditional medicine into the National Health Care System and the right of indigenous participation in health-care programmes and services and in the coordination of public health policies.

15. On the basis of the constitutional and legal framework for the protection of the right to health of indigenous peoples and communities, major changes have thus been implemented in the orientation of public health policies, most of which are consistent with the concept of this right, calling on the State to implement concrete

measures to guarantee access to health-care services for the entire population, including indigenous people.

16. With regard to paragraph 66 of its report, the Forum recommends that States, with the assistance of United Nations agencies, support free and universal civil registration of indigenous children and adolescents, on the basis of free, prior and informed consent of indigenous peoples. We wish to express the following views on this subject.

17. Article 56 of the Constitution of the Bolivarian Republic of Venezuela recognizes the right of every person to a name, to know the identity of his or her parents, to be entered in the civil registry free of charge and to obtain public documents proving his or her biological identity.

18. The Basic Law on the Protection of Children and Adolescents, in its articles 16, 17, 18, 21 and 22, establishes the right of all children and adolescents to a nationality, to be identified immediately after birth, to be entered in the Civil Registry and to obtain public identity documents.

19. The Basic Law on Identification, whose purpose is to regulate and guarantee the identification of all Venezuelan citizens both within and outside national territory, establishes provisions in its chapter III on the identification of indigenous peoples and communities, including the right of indigenous peoples to be issued identity documents, entry in the Civil Registry of children and adolescents, as well as those having reached the age of majority, respect for indigenous languages and dress, and exemption from fees for passports issued to indigenous people. The aforementioned Law also establishes that identification services shall be provided within indigenous communities on a permanent basis and shall remain free of charge.

20. The executive power, in order to guarantee the right to identity of members of indigenous peoples and communities, issued the Partial Regulations for the identification of indigenous peoples under the Basic Act on Identification, recognizing the right of indigenous peoples to identification, to maintain their ethnic and cultural identity and individual and collective self-identification as part of an indigenous community; to be entered in the Civil Registry and to obtain public documents that prove their ethnic identity, the duty of all citizens and competent authorities to respect the right to indigenous self-identification, and establishing the procedures for issuing identity documents to indigenous people, especially regarding the civil registration of indigenous children, adolescents and those having reached the age of majority.

21. Positive aspects of that law include the full guarantee of the right of all indigenous persons to identification and to maintain their ethnic and cultural identity through recognition of their individual and collective self-identification; simplification of procedures for obtaining an identity card for indigenous adults by eliminating the requirement of publishing a legal notice of its issuance; and establishment of efficient procedures for issuing identity documents free of charge based on the principles of transparency, equality, speed, social responsibility, disclosure and non-discrimination.

22. For its part, the Basic Law on Indigenous Peoples and Communities, in article 62, stipulates the right of identification of indigenous people through the issuance of appropriate identification documents, from birth, by the body with competence in

that area, through a procedure that respects the social and cultural organization, habits and customs, languages and geographical location of indigenous peoples and communities, free of charge and governed by the principles of transparency, equality, speed, social responsibility, non-discrimination and effectiveness. The provision in question also establishes the right of indigenous people to enter in the Civil Registry their given names and family names of indigenous origin.

23. Nevertheless, despite express recognition by the State of its obligations through the aforementioned constitutional and legal norms demonstrated through policies and plans proposed in the area of identity, the location of a large number of indigenous communities in places where access is difficult has been an obstacle to the implementation of measures intended to guarantee the identity rights of indigenous communities and peoples, especially for children and adolescents.

24. In paragraphs 71 and 72 of its report on the sixth session, the Permanent Forum on Indigenous Issues addressed questions regarding the right of indigenous peoples to their own culture, expressing the need for States, with the assistance and collaboration of United Nations bodies, especially the United Nations Educational, Scientific and Cultural Organization (UNESCO), to adopt specific and effective measures, such as laws or the implementation of public policies aimed at guaranteeing the rights inherent in indigenous culture, including protection of indigenous languages.

25. The Venezuelan State recognizes and guarantees the right of each of its national indigenous peoples and communities to enjoy their own culture, and to the protection and development of their ethnic and cultural identity, cosmology, values, spirituality and sacred and religious sites.

26. Along those lines, article 121 of the Constitution of the Republic stipulates that the State, in order to protect indigenous identity and culture, shall promote the appreciation and dissemination of cultural events of indigenous peoples, their right to their own educational system and an intercultural and bicultural educational curriculum that reflects their particular sociocultural identity, values and traditions.

27. The Basic Law on Indigenous Peoples and Communities, in title IV concerning indigenous education and culture, contains provisions on the right to their own culture; establishment of indigenous cultures as the culture of origin, and the obligations of the State regarding the preservation, reinforcement and dissemination of indigenous cultures; the right to use traditional clothing, dress and ornaments; the right to cultural identity and free development of the personality; the establishment of indigenous languages as official languages, their scope of application and indigenous methods of social communication.

28. In that regard, article 9 of the Constitution expressly recognizes indigenous languages and establishes that they may also be used officially by indigenous peoples and must be respected throughout the territory of the Republic, as they constitute the cultural heritage of the nation and humanity.

29. Concerning the use of indigenous languages, the efforts made by the Venezuelan Government for their dissemination, preservation and recovery should be noted, for example the obligatory use of indigenous languages in public and private educational establishments located in indigenous habitats as well as other rural and urban areas where indigenous groups reside, at all levels and in all segments of the national educational system, and the establishment of the National

Council on Indigenous Education, Cultures and Languages, an honorary standing advisory body to the executive power, to be consulted on indigenous community policy in the historical, cultural and linguistic fields.

30. With regard to the theme of human rights, in paragraph 74 of its report on the sixth session, the Permanent Forum on Indigenous Issues expressed concern at the situation of human rights of indigenous peoples in various parts of the world, and called upon States to recognize the rights of indigenous peoples constitutionally and legally, to strengthen their institutions and to promote and protect those rights. In that regard we believe it relevant to make the following observations.

31. The Bolivarian Republic of Venezuela, in accordance with the Constitution, is established as a democratic and social State subject to the rule of law and justice; as the highest values of its legal system, it advocates equality and the pre-eminence of human rights, as well as the establishment of a democratic society that is participatory, dynamic, multi-ethnic and multicultural in a federal and decentralized State under law.

32. The Constitution of the Bolivarian Republic of Venezuela, in chapter III of title III, enshrines the rights of indigenous peoples and communities, giving comprehensive recognition to their existence, social, political and economic organization, their cultures, habits and customs, languages and religions, as well as their habitat and ownership rights over the ancestral lands they have traditionally occupied, which are necessary to develop and safeguard their way of life and are the repository of their sacred values.

33. It also establishes that indigenous lands are inalienable, indefeasible, immune from seizure and non-transferable and that it is the responsibility of the State together with the indigenous peoples to mark the boundaries of these lands and to guarantee the right of indigenous communities and peoples to collective ownership of their lands.

34. The Constitution guarantees the cultural, social and economic integrity of indigenous habitats and establishes that the exploitation of existing natural resources shall be subject to prior information and consultation with the respective indigenous communities.

35. Likewise, the right of each indigenous people to maintain and develop its ethnic and cultural identity, cosmology, values, spirituality and its sacred and religious sites is enshrined, as well as the appreciation and dissemination of the cultural and linguistic heritage of indigenous peoples and the obligation of the State and society to ensure its maintenance, continuity, enrichment and appreciation.

36. The Constitution extends the following economic, social and cultural rights to indigenous communities and peoples: the right to their own educational system and an intercultural and bilingual educational curriculum that reflects their sociocultural specificities, values and traditions; the right to comprehensive health care that considers their practices and cultures; the right to maintain and promote their own traditional economic practices and productive activities, to participate in the national economy and to define their own priorities; and the enjoyment of the rights granted by labour legislation to all workers.

37. With the aim of safeguarding the knowledge, wisdom, practices and intellectual innovations and genetic resources of indigenous peoples from illegal

appropriation and commercial exploitation by natural and legal persons, the State guarantees and protects their collective property; patenting it is prohibited.

38. The Constitution, by guaranteeing the political participation of indigenous peoples through representation in the National Assembly and the deliberating bodies of federal and local governments of areas with indigenous populations, ensures their presence in the elaboration and discussion of national laws and regulations and their direct participation in decision-making bodies of the public authorities making up the State.

39. Finally, it establishes that indigenous peoples are part of national society and the Venezuelan people which is recognized as unified, sovereign and indivisible. The use of the term "people", as it is expressed in the Constitution, signifies the recognition of their specific identity, the social, cultural and economic characteristics specific to them and which differentiate them from the rest of society. Therefore, the use of the term cannot be interpreted in the sense given to it in international law.

40. The Basic Law on Indigenous Peoples and Communities recognizes and protects the existence of indigenous peoples as original inhabitants, guaranteeing the rights enshrined in the Constitution of the Bolivarian Republic of Venezuela, international treaties, covenants and conventions and other universally accepted norms, in order to ensure their active participation in the life of the Venezuelan nation, the preservation of their cultures, the exercise of self-determination in their internal affairs and to create the conditions to make this possible.

41. With its basis in the recognition of indigenous communities and peoples, the objective of the aforementioned Basic Law is to promote the principles of a democratic, participatory, dynamic, multi-ethnic, multicultural and multilingual society, in a federal and decentralized State under law; to safeguard and develop the collective and individual rights of indigenous communities and peoples; to protect their ways of life and sustainable development, with the foundation of their cultures and languages; and to establish mechanisms for relationships between indigenous peoples and communities and the public authorities and other sectors of national life.

42. Equally, the Basic Law on Indigenous Peoples and Communities includes a set of guiding principles and a comprehensive catalogue of fundamental, individual and collective rights to the benefit of indigenous communities and peoples, starting from the principle of prior and informed consent and the right to occupy their ancestral lands, preservation of their habitat and a healthy environment.

43. The following should be noted in the area of civil and political rights: the right to identification of indigenous peoples; the right to political participation and activism; and the right to recognition of their own organizations, the right to justice and due process and the right to recognition of their own customary law and special indigenous jurisdictions.

44. With regard to economic, social and cultural rights, the law covers the right to their own education and an intercultural and bilingual educational system; the right to their own culture; the right to wear traditional clothing, dress and ornaments; the right to cultural identity and the free development of the personality; the right to use indigenous languages as official languages and to indigenous methods of social communication; the right to freedom of religion; the right to collective intellectual

property; the right to health and to indigenous traditional medicine; the right to the full exercise of labour rights; and the right to a separate economic model and to maintain their traditional economic practices in their habitat and lands.

45. In observance of the right of indigenous peoples and communities to political participation, which is enshrined in article 125 of the Constitution, both the Local Public Planning Councils Act and the Communal Councils Act provide for and establish the inclusion and participation of representatives of indigenous communities and peoples at the municipal level, in accordance with their habits, customs and traditions.

46. In the same way, it is important to draw attention to the fact that the Constitution of the Bolivarian Republic of Venezuela has created the Office of the Ombudsman. The Office is an integral part of the civil authority. It has the power to promote, defend and monitor the rights and guarantees established in the Constitution and in international human rights treaties. Article 281, paragraph 8, states that the Office of the Ombudsman should "protect the rights of indigenous peoples and take such action as may be necessary to guarantee and protect such rights effectively".

47. The Office of the Ombudsman promotes, defends and monitors the constitutional rights and guarantees enjoyed by indigenous peoples and communities in the country. It ensures respect for the relevant human rights as provided for in international treaties, conventions and agreements duly signed by the Republic. To that effect, it takes the necessary action for those rights to be protected in a real and effective way, in keeping with article 15, paragraph 7, of the Basic Law on the Office of the Ombudsman.

48. Along the same lines, article 68 of the new Basic Law on Indigenous Peoples and Communities states as follows:

49. "The Office of the Ombudsman has a duty to promote, disseminate, defend and monitor the rights that are recognized for indigenous peoples and communities by the Constitution of the Bolivarian Republic of Venezuela, by the international treaties, covenants and conventions signed and ratified by the Republic, and any other legal provisions. The Office promotes the full defence of those rights and takes such administrative and judicial actions as may be necessary to guarantee and protect them effectively."

50. With regard to the protection and defence of the human rights of indigenous peoples and communities, it is worth pointing out that the Constitutional Division of the Supreme Court of Justice, in repeated rulings, has defined the competence of the Office of the Ombudsman to initiate *amparo* proceedings in respect of the common or collective interests of indigenous peoples and communities. An example is Decision No. 656, rendered on 30 June 2000 by Justice Jesús Eduardo Cabrera Romero. The decision states that while article 26 of the Constitution enshrines the right to access to justice for the hearing of common or collective interests, cases involving the Office of the Ombudsman must be brought before the judicial authorities in conformity with articles 280 and 281 of the Constitution of the Bolivarian Republic of Venezuela. These articles give the Office competence in matters pertaining to the defence and monitoring of the legitimate collective and common interests of citizens.

51. In view of the foregoing, the aforementioned judicial decision establishes that the Office of the Ombudsman is entitled to initiate legal actions aimed at enforcing rights or common or collective interests, without requiring the acquiescence of the group on whose behalf it is acting. By law, the Office of the Ombudsman also acquires a legitimate interest to proceed with legal action in respect of a right granted it by the Constitution in article 281, namely to protect society or groups within society.

52. In the light of the general provision of article 280 of the Constitution, regarding the general defence and monitoring of common and collective interests, the judicial decision under discussion determined that the Office of the Ombudsman can take action to protect such rights and interests where consumers and users generally are concerned (article 281, paragraph 6), or to protect the rights of indigenous peoples (paragraph 8). Although the defence and protection of those categories is one of the competences granted to the Office by article 281, that protection is general and does not apply to individuals.

53. It follows that the Office of the Ombudsman is entitled only to take action in defence of the collective or common rights of indigenous peoples and communities. However, as the Supreme Court of Justice made clear, it is not authorized to initiate legal action or appeals aimed at protecting the direct or individual rights and interests of indigenous persons.

54. For that reason, article 138 of the Basic Law on Indigenous Peoples and Communities provides for the creation of the Indigenous Public Defender's Office, whose task will be to represent and defend members of indigenous communities in any matter. Article 138 states:

55. "Article 138. With a view to guaranteeing the right to defence of indigenous persons, the Indigenous Public Defender's Office is hereby created within the Public Defence system of the Supreme Court of Justice. Persons appointed as public defenders for indigenous persons shall be required to be attorneys and to have knowledge concerning the culture and rights of indigenous peoples and communities. The public defenders of indigenous persons have the competence to represent and defend indigenous persons in all matters and before all administrative and judicial authorities, whether national or international."

56. In terms of the article cited above, public defenders of indigenous persons will have the task of acting in defence of the individual rights of members of indigenous communities or peoples in any matter before the administrative or judicial authorities.

57. At the same time, article 34 of the Basic Law on the Office of the Ombudsman provides for the creation of Special Delegate Offices of the Ombudsman with nationwide jurisdiction. The mandate of the Offices will be to give technical support as a specialized advisory body to the different departments of the Office of the Ombudsman. Their role is to design, plan and coordinate legal actions contributing to the promotion, defence and monitoring of the rights and guarantees enshrined in the Constitution of the Republic, in international instruments and in sectors and topics that deserve special attention.

58. To that end, article 38 of that Law provides for the creation of the Indigenous Special Delegate Office of the Ombudsman in each of the federal entities with an

indigenous population, in order to promote, monitor and defend the rights of indigenous populations.

59. The Special Office of the Ombudsman with National Jurisdiction for the Protection of the Rights of Indigenous Peoples was created as an advisory body specialized in designing, planning and coordinating legal actions that contribute to the protection and strengthening of cultural identity, and to help protect, defend and monitor the rights and guarantees enjoyed by indigenous peoples and communities in the country, in keeping with the Constitution of the Republic and with the treaties, conventions and agreements duly signed by the Republic.

60. Regarding the subject of urban indigenous peoples and migration, the Forum, in paragraphs 107 and 116 of its report, has expressed its concern about global migration, which increasingly affects indigenous peoples, creating significant problems for the preservation of their cultures and livelihoods. The Forum therefore recommended that on the basis of the recognition of indigenous peoples' right to prior, free and informed consent, States should provide the necessary support for involuntarily displaced indigenous peoples to be able to return to their original communities, in addition to providing for the sustainable livelihoods of those peoples. In this respect, we believe it is appropriate to set out the following considerations.

61. We believe it is appropriate to refer to the process whereby the Warao people have migrated from their environment to the urban areas of the country, and to recall the action taken by the Office of the Ombudsman. The coinciding structural causes that led to the intensification of the periodic and systematic migration of indigenous Warao families towards urban and central parts of the country have to do with a combination of factors and events. From the late 1960s and early 1970s, all of these elements led consistently and ever more rapidly to the deterioration of the traditional Warao environment in the Orinoco Delta and of their ancestral culture. The latter had gained its vitality in close interrelation with the environment of the Delta and its natural resources such as water, *moriche* groves, the fan palm and other local fauna and flora.

62. The principal causes include the closing off of the Caño Mánamo; the forced and glaringly indiscriminate exploitation of the fan palm, timber and fisheries; the wanton search for and extraction of oil, which contaminated and violated the environment of the Delta and the integrity of the Warao people; and the scant attention paid by the executive power (whether on a national, regional or municipal level) to the reality, needs and expectations of the Warao.

63. Faced with this situation, the Office of the Ombudsman as defender of indigenous rights took part in various operations organized and carried out by the Mayor's Office of the Municipality of Libertador, Capital District, in order for those families to move and return to their original communities.

64. In the same way, from the last three months of 2002, the Office of the Ombudsman began to evaluate and follow up the Sustainable Development Project for the Orinoco Delta Biosphere Reserve, under the aegis of the Ministry of the Environment and Natural Resources and with the cooperation of the United Nations Development Programme (UNDP). It focused in particular on the process of consultation and awareness-raising among the Warao people: the project implies an

overall improvement in the quality of life of some 120 Warao communities numbering some 15,000 individuals.

II. Given the special emphasis that the Forum places on indigenous children, youth and women, data collection and disaggregation, with free and informed consent

65. An analysis of poverty and its relationship to work shows that women in the Bolivarian Republic of Venezuela make up 51 per cent of the total workforce that the economy needs for national production. This amount is the cumulative result of their contribution in paid employment (38 per cent) and 99 per cent of required domestic work. There is also evidence that, in a labour market characterized by labour segmentation and income inequality, employment opportunities are unequal for women from different social strata. The study also shows the importance of women's work in reducing poverty and improving living conditions, particularly nutrition and education for children.

66. The Bolivarian Republic of Venezuela is currently achieving very high educational standards. According to the results of the Ministry of Education's 2006 report and statement on villages with indigenous communities, almost all of Venezuela's youth population is literate: between 15 and 24 years of age, 98 out of every 100 women and 96 out of every 100 men in Venezuela are literate. This makes it possible to design competitive policies for a world where knowledge is of great importance.

67. Furthermore, the Guaicaipuro mission has been relaunched. It aims to coordinate, promote, organize and ensure the viability of the Bolivarian Government's policies, plans, programmes and projects with a view to their practical application and to accelerating their implementation in communities, municipalities and cities, in conjunction with municipal councils and indigenous peoples' own organizations in Venezuela.

68. Women play a very important role in teaching and transferring culture to new generations within indigenous peoples and communities. There are also governmental bodies which provide tools for improved development, growth and comprehensive assistance with respect to indigenous children, adolescents and women, as well as other bodies which foster social integration, such as:

69. Shaman healing centres, where ancestral knowledge is used;

70. Indigenous municipalities, where women play a very important role in the establishment of the principles of awareness of their ancestors, and where the equality and kinship of all members of the community is the rule.

III. Factors facilitating the implementation of the Forum's recommendations

71. The Venezuelan State has focused on addressing the needs of indigenous peoples and communities. Part of this commitment centres on restoring the ancestral, cultural and historical values of indigenous peoples. It has therefore embarked on the development, planning, coordination and implementation of

policies through an intercultural approach which, with the participation of indigenous peoples and communities, provides short-, medium- and long-term solutions to the urgent needs of this population through intercultural and multiethnic advocates who implement a system of services in order to ensure the quality and efficiency of programmes for indigenous peoples in Venezuela. This social development is also supported by other governmental institutions.

IV. Specific laws, policies and other similar tools to address indigenous affairs

72. In the legislative field, the Venezuelan State has implemented important legislative measures in order to ensure the protection and full enjoyment of the rights of indigenous peoples and communities. Such efforts mainly take the form of the 1999 Constitution of the Bolivarian Republic of Venezuela and a large number of legal instruments, laws, regulations and decrees. Foremost among these are the following:

(1) The Constitution of the Bolivarian Republic of Venezuela (1999);

(2) Interministerial resolution No. 80/6 (MAC-MJ) concerning the establishment of an area occupied by indigenous peoples in the Sierra de Perijá (1961);

(3) Resolution No. 5 (MSAS) concerning the establishment of the Advisory Commission on the National Programme for the Health of Indigenous Populations (1988);

(4) Decree No. 1635 concerning the Alto Orinoco-Casiquiare Biosphere Reserve (1991);

(5) Decree No. 1633 concerning the Orinoco Delta Biosphere Reserve (1991);

(6) Criminal law on the environment (1992);

(7) Resolution No. 453 of the Ministry of Education, Culture and Sport concerning the use of indigenous languages, second stage (1992);

(8) Decree No. 64 concerning the establishment of the National Border Council (1994);

(9) Basic law on the protection of children and adolescents (1998);

(10) National Geography, Mapping and Land Registry Act (2000);

(11) Indigenous Peoples' Habitat and Lands Demarcation and Protection Act (2001);

(12) Decree No 1.392, establishing, on a temporary basis, the Presidential Commission, known as the National Boundary Commission for Indigenous Peoples' Habitat and Lands (2001);

(13) Basic law on education (2001);

(14) Decree No. 1.795, providing for the mandatory use of indigenous languages, both orally and in writing, in public and private educational institutions

located in indigenous habitats, as well as in other rural and urban areas inhabited by indigenous peoples, for all levels and forms of the national education system (2002);

(15) Decree No. 1.796, establishing the National Council for Cultural Education and Indigenous Languages (2002);

(16) A decree for 12 October of each year to be commemorated as the "Day of Indigenous Resistance" in recognition of our Americanist self-affirmation of unity and cultural and human diversity, and as an assertion both of the claims of the indigenous peoples of America and of the contributions of African, Asian and European peoples and cultures in shaping our nationality, in the spirit of a dialogue of civilizations, peace and justice (2002);

(17) An agreement requesting the executive branch, and particularly the National Boundary Commission, to act swiftly in the demarcation of indigenous peoples' ancestral habitat and lands in Venezuela (2003);

(18) Decree No. 2.686, promulgating regulations for the Basic Law on the Identification of Indigenous Peoples (2003);

(19) A resolution establishing the Special Office of the Ombudsman, which has competence at the national level in protecting the rights of indigenous peoples (2003);

(20) Basic law on the Office of the Ombudsman (2004);

(21) Decree No. 3.040, establishing the Guaicaipuro mission through the Presidential Commission (2004);

(22) Basic law on Indigenous Peoples and Communities (2005);

(23) Basic law on Identification (2006);

(24) Basic law on the Environment (2006);

(25) Municipal Councils Act (2006);

(26) An agreement requesting the inclusion in the new National Plan of operational strategic guidelines concerning the original, historical and specific rights of indigenous peoples and communities (2006);

(27) A decree on the organization and functioning of national public administration (2007);

(28) Basic law on the Public Prosecutor's Office (2007);

(29) Decree No. 5.287, promulgating the basic regulations of the Ministry of the People's Power for Education (2007);

(30) The Political Constitutions of the following federal entities: Amazonas, Anzoátegui, Apure, Bolívar, Delta Amacuro, Monagas, Sucre and Zulia.

V. National institutions (ministries), divisions, units and focal points for indigenous affairs

73. The following institutions are particularly noteworthy:

(1) The Ministry of the People's Power for Indigenous Peoples;

(2) The Intercultural and Bilingual Education Directorate of the Ministry of the People's Power for Education;

(3) The Indigenous Communities Liaison Office of the Ministry of the People's Power for Culture;

(4) The Indigenous Health Directorate of the Ministry of the People's Power for Health;

(5) The Indigenous Parliament of America;

(6) The National Assembly's Permanent Commission for Indigenous Peoples;

(7) The National Boundary Commission for Indigenous Peoples' Habitat and Lands of the Ministry of the People's Power for the Environment;

(8) The Indigenous Documentation Office of the National Identification and Aliens Office (ONIDEX), attached to the Ministry of the People's Power for Internal Relations and Justice.

VI. Regular programmes to build capacity on indigenous affairs for national civil service staff

74. With a view to strengthening and developing cognitive abilities and disseminating public policies for indigenous peoples and communities, the State, through the Ministry of the People's Power for Indigenous Peoples and other governmental bodies, has provided for the implementation of a series of forums and workshops to be held with the participation of indigenous peoples and communities as well as State governmental agencies.

VII. Plans for activities related to the targets, objectives and Programme of Action of the Second International Decade for the World's Indigenous Peoples

75. The State plans to continue to safeguard the languages and cultures of indigenous peoples and to recover their lands by recognizing their territory and returning it to indigenous communities. This would ensure the enjoyment of economic, social, cultural and political rights by indigenous peoples and communities in Venezuela.

VIII. Information relating to the promotion and/or implementation of the Declaration on the Rights of Indigenous Peoples and suggestions for how the secretariat of the Permanent Forum, in accordance with article 42 of the Declaration, could engage in a constructive dialogue with Member States to promote respect for the full implementation of the Declaration and its effective follow-up

76. As reflected in its replies to the questionnaire,[2] the Venezuelan State launched its programme for the promotion and respect of the rights of indigenous peoples in 1999 through the entry into force of the Constitution of the Bolivarian Republic of Venezuela. Since then, it has been emphatic in the implementation of favourable policies for indigenous peoples and communities. These rights were recognized in the new United Nations Declaration on the Rights of Indigenous Peoples.

77. However, in order to achieve an open dialogue between the Forum and Member States, special attention must be paid to the problems of indigenous peoples and communities in accordance with their characteristics, which vary depending on their legal status, country and region.

IX. Conclusions

78. Following the entry into force of the 1999 Constitution, the Bolivarian Republic of Venezuela has made progress in defending and promoting the recognition of the rights of indigenous peoples and communities, although there is still a long road ahead. In that context, laws, decrees and agreements were published which proclaim the economic, social and cultural rights of indigenous peoples and communities, together with their civil and political rights. Venezuela therefore belongs to those States that have a comprehensive system to fully protect and safeguard the rights of indigenous peoples.

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[2] This note is in reply to the United Nations questionnaire requested by the Permanent Forum on Indigenous Issues.